



May 22, 2008

Via Electronic Submission

**Ex Parte**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Hawk Relay's Petition for Clarification Concerning the Provision of Deaf Blind Relay Service (DBRS), CG Docket No. 03-123

Dear Ms. Dortch:

On Monday May 5, 2008, Samuel Hawk and Christian Wojnar of Hawk Relay met with staff from the Consumer and Governmental Affairs Bureau, Nicole McGinnis, Thomas Chandler, Alan Amann in person and Richard Smith over the telephone to discuss the abovementioned petition.

During the meeting, Hawk Relay reiterated points previously discussed via filing with the Commission on this matter. Specifically, Hawk Relay stated the following points:

- 1.) In light of the American Association of the Deaf-Blind's comment filed on or about February 4<sup>th</sup> of this year, Hawk Relay emphasized that while it agrees that the existing relay provisions should be examined to determine how it can become more accessible for the deaf-blind population, there still remains a need for DBRS as not every deaf-blind American can utilize the existing services at this time.
- 2.) DBRS is indeed a relay service under Section 225 as it will provide access to the nation's telephone network for the deaf-blind population, a group of consumers that have been either underutilized or not utilized at all. Hawk Relay addressed the concerns regarding the traditional two-legged paradigm by clarifying that there is indeed two 'legs' to the service, from the deaf-blind user to the communication facilitator and also from the communication facilitator to the receiving party. In any case, Hawk Relay emphasized that irrespective of the fact that it may or may not have two legs, the 'two-legged paradigm' is not a legal requirement for any relay service under Title IV of the Americans with Disabilities Act.
- 3.) Concerns about the jurisdictional separation of costs should not be a barrier for the approval of the said petition. The Commission was urged to recognize DBRS as a relay service with a true-up plan (see attached Excel document) where all costs incurred by the provision to be compensated by the Interstate TRS Fund for a three-year period. As there is inadequate data to determine the appropriate minimum requirements and also uncertainty in the actual demand of the service, it is in the public interest to have the provision fully-funded on a temporary basis.

If you have any questions, please feel free to contact me.

Sincerely,

/s/ Samuel Hawk  
Hawk Relay  
President